

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 16-20666

v.

Judith E. Levy

United States District Judge

Timothy Decker,

Mag. Judge Anthony P. Patti

Defendant.

_____/

**ORDER GRANTING PETITIONER'S MOTION FOR EXTENSION
OF TIME [75] AND HOLDING IN ABEYANCE PETITIONER'S
MOTION FOR DISCOVERY AND PRODUCTION OF
DOCUMENTS [74]**

Before the Court is Petitioner Timothy Decker's motion for discovery and production of documents (ECF No. 74) and motion for extension of time to file his reply. (ECF No. 75.)

This is Petitioner's second motion for an extension of time to file a reply brief. (See ECF No. 72.) On April 14, 2025, the Court granted Petitioner's first motion for an extension of time to file a reply, and set Petitioner's reply deadline as May 29, 2025. (ECF No. 73.)

Petitioner's second motion for an extension of time to file a reply brief (referred to as a traverse) requests an additional 30-day extension to file his reply. (ECF No. 75.) Petitioner's motion for an extension of time is granted. Petitioner's reply is due by **June 30, 2025**.

Petitioner also filed a motion for discovery and production of documents pursuant to Rule 6 of the Rules Governing Section 2255 Proceedings. (ECF No. 74.) In this motion, he requests that the Court "compel the discovery of[] forensic reports on all pictures reviewed to charge [him pursuant to] 18 U.S.C. § 2251(a)(e)" and "[a]ll police reports and warrants involving seizure of evidence that related to a charge of 18 U.S.C. § 2251(a)(e)." (ECF No. 74, PageID.675.) According to Petitioner, "[t]his discovery would help corroborate Petitioner's claim that [the] pictures are not a lascivious display" and, as such, his constitutional rights may have been violated because the evidence of his conduct may have been insufficient. (*Id.* at PageID.674.)

Pursuant to Rule 6(a) of the Rules Governing Section 2255 Proceedings, a district court may, "for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery."

Petitioner's motion for discovery and production of documents is HELD IN ABEYANCE. After briefing is completed, if the Court needs to address the merits of Petitioner's claim, the Court will revisit Petitioner's motion for discovery and production of documents.

IT IS SO ORDERED.

Dated: May 7, 2025
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 7, 2025.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager